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		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
APPLICATION NO.	FILING DATE			5198	
09/375,514	08/17/1999	JOHN C. REED	JOHN C. REED 3335-075-55-		
7590 02/25/2002			EXAMINER		
PENNIE & ED	a A. Coruzzi NIE & EDMONDS LLP. Avenue of the Americas York, NY 10036-2711 SCHMIDT, MARY M ART UNIT PAPER NUMBE		MARY M		
1155 Avenue o New York, NY			PAPER NUMBER		
1.0 1 2,			1635		

DATE MAILED: 02/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No		Applicant(s)
Office Action Summary		09/375,514	DEED JOHN C	
		Examiner		Art Unit
	-	Mary Schmidt		1635
	- The MAILING DATE of this communication app	pears on the cove	er sheet with the o	orrespondence address
Pariod fo	r Renly			
THE N - Exter after - If the - If NO - Failu	ORTENED STATUTORY PERIOD FOR REPLINATION DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailine and patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, ho ly within the statutory n will apply and will expir	wever, may a reply be till ninimum of thirty (30) day re SIX (6) MONTHS from	mely filed ys will be considered timely. the mailing date of this communication. TO (35 U.S.C. § 133).
1)	Responsive to communication(s) filed on	<u> </u>		
2a)□	This action is FINAL 2b) T	his action is non	-final.	ما منشوب بالراب
3) Disposit	Since this application is in condition for allow closed in accordance with the practice under ion of Claims	vance except for r Ex parte Quay	formal matters, p le, 1935 C.D. 11,	prosecution as to the merits is 453 O.G. 213.
	Claim(s) is/are pending in the applica	tion.		
, —	4a) Of the above claim(s) is/are withdra	awn from consid	leration.	
 5)□	Claim(s) is/are allowed.			
	Claim(s) is/are rejected.			
7)	Claim(s) is/are objected to.			
8)	Claim(s) are subject to restriction and	or election requ	irement.	
Applica	tion Papers			
9)[] The specification is objected to by the Examir	ner.	· · · · htha Ex	raminor.
10)	The drawing(s) filed on is/are: a) acc	cepted or b) ob	jected to by the Ex	Con 37 CER 1 85(a)
	Applicant may not request that any objection to		neid in abeyance.	proved by the Examiner.
11)	The proposed drawing correction filed on			oroved by the Entermine
	If approved, corrected drawings are required in	reply to this Office	action.	
1	The oath or declaration is objected to by the	Examiner.		
Priority	under 35 U.S.C. §§ 119 and 120	المراجع المناسبة الم	x 25 11 S C 8 11	9(a)-(d) or (f)
	Acknowledgment is made of a claim for fore	eign priority unde	g 33 0.3.0. g 11	o(a) (a) o. (·).
	a) ☐ All b) ☐ Some * c) ☐ None of:	l land base	ranaiwad	
	1. Certified copies of the priority docume	ents have been	received in Appli	cation No
	2. Certified copies of the priority docum	ents have been	received in Applic	nived in this National Stage
	3. Copies of the certified copies of the papplication from the International * See the attached detailed Office action for a	list of the certific	ed copies not rece	eived.
14)	Acknowledgment is made of a claim for dom	estic priority und	ler 35 U.S.C. § 1	19(e) (to a provisional application).
	a) ☐ The translation of the foreign language ☐ Acknowledgment is made of a claim for don	provisional app	lication has been	received.
Attachr				
1) 🗆 🖍	Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948 nformation Disclosure Statement(s) (PTO-1449) Paper No	3)	4) Interview Sum 5) Notice of Info	imary (PTO-413) Paper No(s) · rmal Patent Application (PTO-152) ment .

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Response to Amendment

The reply filed on 10/22/01 is not fully responsive to the prior Office action because of the 1. following omission(s) or matter(s): Applicant has not filed a terminal disclaimer in response to the obviousness-type double patenting rejections over U.S. Patent No. 5,831,066 and U.S. Patent No. 6,040,181. '066 and '181 specifically claim the instantly claimed SEQ ID NO:17. The inclusion of SEQ ID NO:17 in the claims of '066 and '181 rendered the instant claimed invention of SEQ ID NO:17 obvious in view of '066 and '181. MPEP 804.02, Section IV, paragraph 2, states why it is necessary for Applicant to file a terminal disclaimer: "Disclaiming each one of the conflicting double patenting references is necessary to avoid the problem of dual ownership of patents to patentably indistinct inventions in the event that the patent issuing from the application being examined ceases to be commonly owned with any one of the double patenting references that have issued or may issue as a patent." This requirement stands at any phase of examination of the instant Application as long as the claims under examination are subject to a double patenting rejection. Filing a terminal disclaimer immediately prior to allowance of the Application, especially if the allowance is made after a final rejection, does not leave the Examiner with a sufficient amount of time to request the Terminal Disclaimer from Applicant and have it properly processed and entered. In the event that only claims which do not read on the claims of '066 or '181 are found to be allowable in the instant Application, the filed Terminal Disclaimer may be rescinded. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide,

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applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Mary M. Schmidt*, whose telephone number is (703) 308-4471.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *John LeGuyader*, may be reached at (703) 308-0447.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Analyst, *Katrina Turner*, whose telephone number is (703) 305-3413.

M. M. Schmidt February 21, 2002

JOHN L. LEGUYADER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600